

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MARVIN SMITH SHAHEEN,

Plaintiff,

v.

9:05-CV-0173  
(TJM/GHL)

P. McINTYRE, Correction Officer; J. FRAZIER,  
Correction Officer; and J. HOESSLE; Correction  
Officer,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

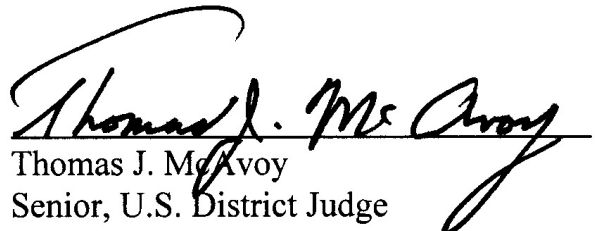
This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated September 28, 2007 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore,

**ORDERED** that Defendants' motion for summary judgment (Docket No. 28) is **GRANTED** and the complaint is **DISMISSED** as to all defendants.

**IT IS SO ORDERED.**

DATED: November 5, 2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge